

**CITY OF EL PASO, TEXAS**  
**AGENDA ITEM DEPARTMENT HEAD'S SUMMARY FORM**

**DEPARTMENT:** Planning, Research & Development

**AGENDA DATE:** Introduction – November 16, 2004  
Public Hearing – December 07, 2004

**CONTACT PERSON/PHONE:** Fred Lopez, 541-4925

**DISTRICT(S) AFFECTED:** 1

**SUBJECT:**

An Ordinance changing the zoning of Tract 19, S. A. & M. G. Railway Company Survey No. 266, El Paso, El Paso County, Texas from R-3 (Residential) to A-2 (Apartment) and imposing certain conditions. The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: The Steel Corporation of Texas. ZON04-00128 (District 1)

**BACKGROUND / DISCUSSION:**

See attachment.

**PRIOR COUNCIL ACTION:**

N/A

**AMOUNT AND SOURCE OF FUNDING:**

N/A

**BOARD / COMMISSION ACTION:**

Development Coordinating Committee (DCC) – Approval with conditions  
City Plan Commission (CPC) – Approval with conditions

\*\*\*\*\*REQUIRED AUTHORIZATION\*\*\*\*\*

**LEGAL:** (if required) N/A

**FINANCE:** (if required) N/A

**DEPARTMENT HEAD:** George Sarmiento, AICP

**APPROVED FOR AGENDA:**

**CITY MANAGER:** \_\_\_\_\_ **DATE:** \_\_\_\_\_



**PLANNING, RESEARCH AND DEVELOPMENT DEPARTMENT**  
**MEMORANDUM**

**DATE:** November 8, 2004

**TO:** The Honorable Mayor and City Council  
Ms. Joyce A. Wilson

**FROM:** Planning, Research & Development Department

**SUBJECT:** ZON04-00128

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The City Plan Commission (CPC), on October 28, 2004, voted **6 - 0** to recommend **APPROVAL** of rezoning the subject property from R-3 (Residential) to A-2 (Apartment) with conditions, concurring with Staff's recommendation.

**CPC Recommended Conditions:**

*That a subdivision plat be submitted, approved, and recorded for the subject property prior to the issuance of any building permits.*

The CPC found that this rezoning is in conformance with The Plan for El Paso; and the proposed use is in conformance with the Year 2025 Projected General Land Use Map. The CPC also determined that this rezoning protects the best interest, health, safety and welfare of the public in general; and that the proposed use is compatible with adjacent land uses.

There was **OPPOSITION** to this request.

## **STAFF REPORT**

**Rezoning Case:** ZON04-00128

**Property Owner(s):** The Steel Corporation of Texas

**Applicant(s):** The Steel Corporation of Texas

**Representative(s):** Robert A. Gonzalez

**Legal Description:** Tract 19, S. A. & M. G. Railway Company Surveys No. 266

**Location:** Southwest corner of Ruby Drive and Valdez Road

**Representative District:** # 1

**Area:** 7.64 Acres

**Present Zoning:** R-3 (Residential)

**Present Use:** Vacant

**Proposed Zoning:** A-2 (Apartment)

**Proposed Use:** Apartments

**Surrounding Land Uses:**

<b>North -</b>	M-1 (Light Manufacturing) / vacant
<b>South -</b>	C-4/c (Commercial/conditions) / vacant
<b>East -</b>	M-1 (Light Manufacturing) / vacant
<b>West-</b>	R-3 (Residential) / residential

**Year 2025 Designation:** **Residential** (Northwest Planning Area)

**CITY PLAN COMMISSION HEARING, October 28, 2004,  
1:30 P.M., CITY COUNCIL CHAMBERS, 2ND FLOOR, CITY HALL**

**Zoning Case: ZON04-00128**

**General Information:**

The applicant is requesting a rezoning from R-3 (Residential) to A-2 (Apartment) in order to permit apartments on the site. The property is 7.64 acres in size and is currently vacant. The proposed site plan shows the apartment complex to be located on the site. Access is proposed via Ruby Drive and Valdez Road. There are no zoning conditions currently imposed on this property.

**Information to the Commission:**

The Planning Department has received one (1) letter in opposition to this application.

**Staff Recommendation:**

The Development Coordinating Committee (DCC) unanimously recommends **APPROVAL** of this request for rezoning from R-3 (Residential) to A-2 (Apartment) with the following condition.

*That a subdivision plat be submitted, approved, and recorded for the subject property prior to the issuance of any building permits.*

The recommendation is based on the following:

**The Plan for El Paso** City-Wide Land Use Goals recommend that El Paso “provide a wide range of housing types that respond to the needs of all economic segments of the community.”

**The Year 2025 Projected General Land Use Map** for the **Northwest** Planning Area designates this property for **Residential** land uses.

**A-2 (Apartment) zoning** permits apartments and **is compatible** with adjacent development.

The Commission must determine the following:

- A. Will the A-2 (Apartment) zoning protect the best interest, health, safety and welfare of the public in general?
- B. Will apartments be compatible with adjacent land uses?

**Information To The Applicant:**

Building Permits and Inspections Department Notes:

No objections to the rezoning request.

Engineering Department, Development Division Notes:

No comments.

Engineering Department, Traffic Division Notes:

No apparent traffic concerns.

Fire Department Notes:

Zoning change does not adversely affect the Fire Department.

El Paso Water Utilities Notes:

See Enclosure 1.

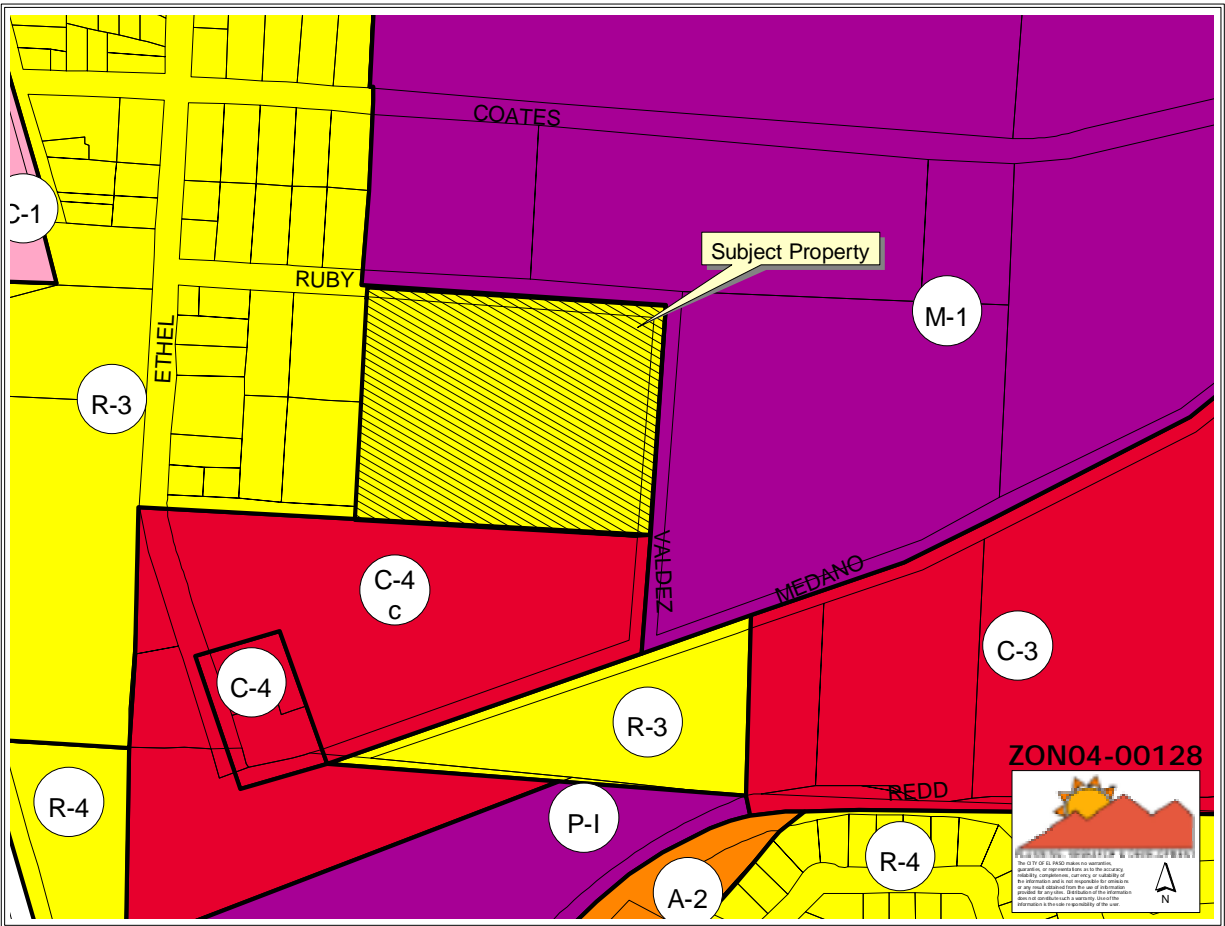
Planning, Research & Development Department Notes:

- A. The Year 2025 Projected General Land Use Map for the Northwest Planning Area designates this property for Residential land uses.
- B. A-2 (Apartment) zoning permits apartments and is compatible with adjacent development.

**ATTACHMENT:** Site Plan; Enclosure 1.

**NOTE TO THE PROPERTY OWNER:** CITY PLAN COMMISSION POLICY REQUIRES THAT THE APPLICANT OR REPRESENTATIVE BE PRESENT AT THE PUBLIC HEARING FOR THIS ITEM. PLEASE DIRECT ANY QUESTIONS CONCERNING THIS REPORT TO THE PLANNING DEPARTMENT AT (915) 541-4056.

# ZONING MAP



## AERIAL MAP



[illegible]



## INTEROFFICE MEMORANDUM

To: Planning, Research & Development Department

From: El Paso Water Utilities - Engineering

Date: October 19, 2004

Subject: **ZON04- 00128 (Rezoning Case)**  
Tract 19, S. A. & M. G. Railway Company Surveys No. 266 (the Property).

Location: Southwest corner of Ruby Drive and Valdez Road.  
Present: R-3 (Residential); vacant  
Proposed: A-2 (Apartment): apartments

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We have reviewed the zoning change request described above and provide the following comments:

### **Water**

From the intersection of Ruby Drive and Ethel Road, along Ruby Drive towards the east there is an existing four (4) inch diameter water main. This main dead-ends at approximately 426 feet east of Ethel Road.

Along Ruby Drive fronting the subject Property there are no existing water mains.

Along Valdez between Ruby Drive and Medano Street there are no existing water mains.

From the intersection of Annie Road and Ethel Road, along Annie Road towards the east there is an existing six (6) inch diameter water main. This main dead-ends at approximately 380 feet east of Ethel Road.

Previous pressure readings conducted on a fire hydrant located at the corner of Ethel Road and Annie Road have yielded a static pressure of 90 pounds per square inch (psi), residual pressure of 50 psi, a discharge of 1,190 gallons per minute (gpm).

### **Sanitary Sewer**

From the intersection of Ruby Drive and Ethel Road, along Ruby Drive towards the east there is an existing eight (8) inch diameter sanitary sewer main. This main dead-ends at approximately 420 feet east of Ethel Road.

Along Ruby Drive fronting the subject Property there are no existing sanitary sewer mains.

Along Valdez between Ruby Drive and Medano Street there are no existing sanitary sewer mains.

From the intersection of Annie Road and Ethel Road, along Annie Road towards the east there is an existing eight (8) inch diameter sanitary sewer main. This main dead-ends at approximately 395 feet east of Ethel Road.

### **General**

Easements within the Property will be required to enable the construction of water and sanitary sewer mains to serve this Property. The minimum width of the easements is twenty-five (25) feet.

Easement grantor shall indemnify, defend, and hold harmless the El Paso Water Utilities – Public Service Board

from and against any and all claims, liability, actions, and damages for bodily injury and property damage to third parties or to the El Paso Water Utilities – Public Service Board which may be caused by or arise out of the maintenance and existence of said water and sanitary sewer mains in the easement area.

The alignment and location of the proposed EPWU-PSB easement shall enable the placement of water meters outside of the parking areas and minimize the length of services. No vehicular traffic is allowed over the water meters. EPWU-PSB requires access to the proposed water, sanitary sewer facilities, appurtenances, and meters 24 hours a day, seven (7) days a week.

No building, reservoir, structure or other improvement, other than asphaltic paving (HMAC), shall be constructed or maintained on the above referenced El Paso Water Utilities - Public Service Board Easements (EPWU-PSB easements) without the written consent of EPWU-PSB.

The PSB easement shall be improved to allow the operation of EPWU maintenance vehicles.

Please obtain the EPWU-PSB Standard Easement Form from Mr. Jose L. Lares, Jr., P. E., Engineering Division Manager – Developer and Land Management Services, 1154 Hawkins Boulevard, El Paso, Texas 79925, phone (915) 594-5540.

As per EPWU-PSB Rules & Regulations any proposed facilities fronting dedicated public right-of-way streets will be required to install public water and sanitary sewer mains along the streets fronting the properties.

At the time of development the above described existing for (4) inch diameter water main located along Ruby Street east of Ethel Road will be upgraded to an eight (8) inch diameter water main.

In order to provide two (2) public water supply points to this proposed development, the above described main will connect to the existing water main located along Annie Drive.

The El Paso Water Utilities requires a finalized set of improvement plans including drainage and grading plans to initialize the design of the water and sanitary sewer main extensions to serve subject subdivision. The owner is responsible for the costs of any necessary on-site & off-site extensions, relocations or adjustments of water and sanitary sewer lines and appurtenances. Furthermore, application for services for subject subdivision must be made in conjunction with the request for water and sanitary sewer main extensions. The improvement plans should include a site plan, a utility plan, grading & drainage plans, landscaping plan (if applicable), the legal description of the property, and a certificate-of-compliance which are required at the time of application. The certificate-of-compliance can be obtained on the 2nd floor at City Hall.

EPWU does not object to this request.

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE CHANGING THE ZONING OF TRACT 19, S. A. & M. G. RAILWAY COMPANY SURVEY NO. 266, EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO A-2 (APARTMENT) AND IMPOSING CERTAIN CONDITIONS. THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the zoning of *Tract 19, S. A. & M. G. Railway Company Survey No. 266, El Paso, El Paso County, Texas*, as more particularly described by metes and bounds in the attached Exhibit "A", be changed **from R-3 (Residential) to A-2 (Apartment)**, within the meaning of the zoning ordinance, and that the zoning map of the City of El Paso be revised accordingly; and

That the property be subject to the following condition which is necessitated by and attributable to the increased intensity of use generated by the change of zoning from R-3 (Residential) to A-2 (Apartment) in order to protect the health, safety and welfare of adjacent property owners and the residents of this City:

*That a subdivision plat be submitted, approved, and recorded for the subject property prior to the issuance of any building permits.*

This condition runs with the land, is a charge and servitude thereon, and binds the current property owner and any successors in title. The City may enforce this condition by injunction, by rescission of the zoning which is made appropriate as a result of this condition, or by any other legal or equitable remedy. The City Council of the City of El Paso may amend or release the above condition in its discretion without the consent of any third person who may be benefitted thereby, and without affecting the validity of this ordinance.

**PASSED AND APPROVED** this \_\_\_\_ day of \_\_\_\_\_, 2004.

(signatures on the following page)


THE CITY OF EL PASO

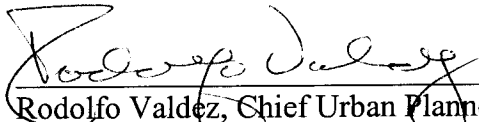
\_\_\_\_\_  
Joe Wardy  
Mayor

ATTEST:

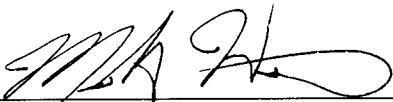
\_\_\_\_\_  
Richarda Duffy Momsen  
City Clerk

APPROVED AS TO CONTENT:

  
\_\_\_\_\_  
Fred Lopez, Zoning Coordinator  
Planning, Research & Development

  
\_\_\_\_\_  
Rodolfo Valdez, Chief Urban Planner  
Planning, Research & Development

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Matt Watson, Assistant City Attorney

**Acknowledgment**

THE STATE OF TEXAS     )  
                                      )  
COUNTY OF EL PASO     )

This instrument is acknowledged before me on this \_\_\_\_\_ day of \_\_\_\_\_, 2004,  
by JOE WARDY as MAYOR of THE CITY OF EL PASO.

My Commission Expires:

\_\_\_\_\_  
Notary Public, State of Texas  
Notary's Printed or Typed Name:  
\_\_\_\_\_

## METES & BOUNDS DESCRIPTION

A 7.6400 acre parcel being Tract 19, S.A. & M.G. Railway Company Survey No. 266, El Paso County, Texas, and being more particularly described by metes and bounds as follows.

COMMENCING for reference at an existing gin spindle lying at the southwest corner of said Tract 19 and the southerly right-of-way line of Annie Road (30.00 feet wide), said point being a corner of this parcel and the POINT OF BEGINNING of this parcel description;

THENCE, North 00°00'00" West, with the westerly boundary line of said Tract 19, a distance of 520.00 feet to a 5/8" rebar with cap stamped "TX5511 NM16467 AZ36621" set at the northeast corner of Tract 21D, S.A. & M.G. Railway Company Survey No. 266, as conveyed to Jose A. & Lucila Aguilar, as recorded in Volume 3147, Page 1908, Deed Records, El Paso County, Texas, and the southerly right-of-way line of Ruby Drive (60.00 feet wide), for a corner of this parcel;


THENCE, North 90°00'00" East, with said southerly right-of-way line, a distance of 640.00 feet to a 5/8" rebar with cap stamped "TX5511 NM16467 AZ36621" set in the westerly right-of-way line of Valdez Road (60.00 feet wide), for a corner of this parcel;

THENCE, South 00°00'00" East, with said westerly right-of-way line, a distance of 520.00 feet to a 5/8" rebar with cap stamped "TX5511 NM16467 AZ36621" set at the northeast corner of Tract 22, S.A. & M.G. Railway Company Survey No. 266, as conveyed to Rafael Jordan, as recorded in Volume 1757, Page 0878, Deed Records, El Paso County, Texas, for a corner of this parcel;

THENCE, South 90°00'00" West, with the northerly boundary line of said Tract 22, a distance of 640.00 feet to the TRUE POINT OF BEGINNING.

Said Parcel contains 7.6400 acres (332,800 square feet) more or less.

I hereby certify that this metes and bounds description is based on a field survey performed on the ground under my supervision and that the information hereon is true and correct to the best of my knowledge and belief. This description is intended to be interpreted along with a survey drawing by me. Basis of bearing for this survey is record bearing from an existing Cotton Spindle lying at the southwest corner of Tract 19, S.A. & M.G. Railway Company Survey No. 266, El Paso County, Texas to an existing 1" Pipe lying at the northeast corner of Whitfield Subdivision Unit Two, as recorded in Volume 45, Page 23, Plat Records, El Paso County, Texas.

 Date 8/27/04  
Christian A. Clausen, RPLS (TX #5511 - NM #16467 - AZ #36621)  
729 Del Mar Drive  
El Paso, TX 79932  
915-355-9482  
915-833-4192

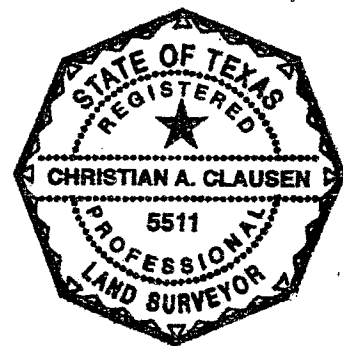


Exhibit "A"